

TRANSMITTAL OF APPEAL BRIEFDocket No.
SLC-10102/29

In re Application of: Carl A. Wright

Application No.
09/766,934-Conf. #1234Filing Date
January 22, 2001Examiner
Y. C. GargGroup Art Unit
3625

Invention: MASS CUSTOMIZATION BILLING ENGINE

TO THE COMMISSIONER OF PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal
filed: July 16, 2007 .

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This sheet is submitted in duplicate./John G. Posa/Dated: September 17, 2007

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: Wright

Serial No.: 09/766,934

Group No.: 3625

Filed: Jan. 22, 2001

Examiner: Y. Garg

For: MASS CUSTOMIZATION BILLING ENGINE

APPELLANTS' APPEAL BRIEF UNDER 37 CFR §41.37

Mail Stop Appeal Brief
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I. Real Party in Interest

The real party in interest in this case is Carl A. Wright, Applicant and Appellant.

II. Related Appeals and Interferences

There are no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

The present application was filed with 23 claims. Claims 1-23 have been canceled, and claims 24-32 were added by amendment in July 2006. Claims 30 and 31 have been withdrawn from consideration. Claims 24-32 are pending; however, claims 24-29 and 32 are rejected and under appeal. Claim 24 is the sole independent claim.

**IV. Status of Amendments Filed Subsequent
Final Rejection**

An after-final amendment is attached hereto in which the dependency of claim 32 has been changed to now depend from claim 24. Claim 32 had previously incorrectly depended from claim 1,

which is now canceled. This change to claim 32 is reflected herein in the Appendix A, Appealed Claims section of this Brief.

V. Summary of Claimed Subject Matter

Independent claim 24 is directed to a method of providing customized billing services. The method comprises the steps of providing a plurality of software objects, at least certain of which are capable of accessing an outside source, accessing one or more other software objects, or creating one or more new software objects. Each object is operative to acquire and process data specific to a bill or the recipient thereof. A subset of the software objects are configured to generate customized bill content for a particular bill recipient. The software objects of the subset, and any software objects that they access or create, are repetitively invoked until all of the objects have completed the data acquisition and processing actions required to generate the customized bill content. A bill is then produced by formatting the customized bill content for the particular bill recipient. (Specification, page 3, line 16 to page 5, line 9).

VI. Grounds of Rejection To Be Reviewed On Appeal

A. The rejection of claims 24-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,493,685 to Ensel et al.

B. The rejection of claim 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0140316 to Lakritz.

VII. Arguments

A. The Rejection of Claims 24-29

Claims 24-29 stand rejected under 35 U.S.C. §102(e) over Ensel et al. ('685). Regarding claim 24, Ensel does not disclose Applicant's claimed method of providing customized building services. Ensel simply manages the task of receiving "raw data" from billers, formatting *that same data* in a format and distribution channel which may be specified by a customer, as well as providing other existing information to customers and feedback from customers to sellers. Thus, the system of Ensel merely automates and "keeps track" of data flowing between billers and customers. While Ensel et al.

is capable of *formatting* information, it has no mechanisms for invoking objects to actually *acquire* the data itself.

The only reference in Ensel et al. to “objects,” concerns the fact that certain databases are “object-oriented.” This does not mean that any of the “objects” of Ensel et al. are in any way capable of performing the functions set forth and claimed by Applicant. “Objects, as understood by Examiners, are codes which can be directly executed by a system’s central processing.” (Final OA, top of page 3). This definition is naïve and inapplicable. Under this definition, a one or a zero would be an “object” but they are not. In other words, not all “codes” qualify. Instead, to one of skill in the art, objects are self-contained software bundles of data and related methods. Thus, beyond being capable of being “directly executed” by a CPU, they can essentially *do things on their own*.

Appellant’s claim 24 includes the step of “providing a plurality of software objects, at least a certain of which are capable of accessing an outside source, accessing one or more other software objects, or creating one or more new software objects, each object being operative to acquire and process data specific to a bill or the recipient thereof.” Apart from the fact that each of Applicant’s objects is operative to actually acquire and process data, a feature nowhere found in Ensel et al., these objects are also operative to either access an outside source, another object, or create a new object for such purposes. Ensel et al. neither discloses nor describes any such capability. Since anticipation requires that a reference disclose or teach each and every element of a claim, *prima facie* anticipation is defeated for this reason alone.

Claim 24 further includes the step of “repetitively invoking the software objects ... until all of the objects have completed the data acquisition and processing actions required to generate the customized bill content.” Again, Ensel et al. contains no such teachings or suggestion of any such processes. The Examiner’s argument that “the structure and content of the summary file 210 and the e-profile 215 varies from biller to biller, [thereby requiring] repetitive invoking of the plurality of software objects,” is a fabrication unrelated to the teachings of the reference itself. Nowhere in Ensel et al., can one find a repetitive invoking of software objects “until they have completed data acquisition and processing actions required to generate customized bill content.”

Not only does Ensel et al. fail to teach or suggest any software objects which perform the functions in Appellant’s claim 24, but they certainly do not do so for the purposes of creating *content*.

Rather, in all of the embodiments of Ensel et al., the content comes directly from the billers (or, in the case of customer feedback, directly from the customers). Content is not generated according to Ensel et al., it is merely manipulated or reformatted. Indeed, according to Ensel et al., none of the raw data is either added to or eliminated for the purposes of billing; rather, it appears that all of the raw data (i.e., content) is actually used, though the way in which it is presented may be varied.

Reference is made to column 8, lines 18-22 of Ensel et al., which read as follows. “As previously described, the IIP 20 of the present invention is capable of taking ‘raw’ billing data from a biller 5, and formatting the billing data in the appropriate way in order to present the bills to the customers 80 of the biller 5.” Although reference is made to customized *formatting*, this is not the same as *content generation*. Given that Ensel et al. receives all of its “raw data” (i.e., content) directly from billers (or customers), it is not possible that Ensel also teaches or suggests software objects capable of generating this “raw data” in the first place.

Ensel et al. fails to teach or suggest the steps of claims 25-29, since these add limitations to independent claim 24.

B. The Rejection of Claim 32

With respect to the rejection of claim 32 under §103(a) over Ensel in view of Lakritz, the Examiner concedes that Ensel is silent with respect to language selection, but argues that it would have been obvious to combine Ensel and Lakritz “to provide a convenient way to produce and provide documents including bills in a target language of the recipient of the document” In other words, the Examiner’s argument for the combination is Applicant’s own disclosure, since there is no teaching or suggestion from the prior art in support of the proposed combination. Certainly Ensel et al. includes no such teaching or suggestion, such that the importation of the teachings of Lakritz represent pure hindsight.

Conclusion

In conclusion, for the arguments of record and the reasons set forth above, all pending claims of the subject application continue to be in condition for allowance and Appellant seeks the Board's concurrence at this time.

Respectfully submitted,

By: _____

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APPENDIX A**CLAIMS ON APPEAL**

24. A method of providing customized billing services, comprising the steps of:
providing a plurality of software objects, at least certain of which are capable of accessing an outside source, accessing one or more other software objects, or creating one or more new software objects, each object being operative to acquire and process data specific to a bill or the recipient thereof;
configuring a subset of the software objects to generate customized bill content for a particular bill recipient;
repetitively invoking the software objects of the subset, and any software objects that they access or create, until all of the objects have completed the data acquisition and processing actions required to generate the customized bill content; and
producing a bill by formatting the customized bill content for the particular bill recipient.
25. The method of claim 24, wherein a portion of the customized bill content is correlated to specific fields in the bill format.
26. The method of claim 24, wherein the customized bill content includes detailed information pertinent to a client billing account.
27. The method of claim 26, further comprising the step of segmenting the detailed information into different portions of the bill.
28. The method of claim 24, further comprising the steps of:
generating separate images from the customized bill content; and
correlating the separate images to at least two specific fields in the generated bill.
29. The method of claim 28, wherein the separate images further comprise summary information.

32. The method of claim 24, further comprising the steps of:
selecting a language in which to produce the bill; and
converting the customized bill content to the selected language prior to generating the bill.

APPENDIX B

EVIDENCE

None.

APPENDIX C
RELATED PROCEEDINGS

None.